

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COMMUNICATION WORKERS OF AMERICA,)	
AFL-CIO,)	
MARK BELLINI, NORMAN BENNETT,)	
MICHAEL CALFE, SEAN CLEARY,)	
JUDY COLIN, BRIAN CROFUTT,)	
RYAN DESLAURIERS, ROBERT DORBRITZ,)	
JAMIE FETTERMAN, RAY GAULT,)	
BARBARA HILLIARD, ROBERT IRWIN,)	CIVIL ACTION NO. 2:05 cv 950
ROBERT KISSICK, BRANDON LUSTER,)	
JOHN McANINCH, JOHN MOCHAN,)	
TRACY MOWER,)	
ERIC PASQUERELLA, JOHN RADESHAK,)	
DANIEL SISTEK, JOSEPH SHAW,)	
JARED SOFALY, and CLAYTON WELLS,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
COMCAST CABLE COMMUNICATIONS,)	
INC. and COMCAST CABLEVISION OF)	
WESTMORELAND, INC.,)	
)	
Defendants	

**STIPULATION OF THE PARTIES FOR THE
PURPOSES OF MOTIONS FOR SUMMARY JUDGMENT**

AND NOW come the parties by and through their undersigned attorneys and hereby stipulate to the following facts for the purposes of motions for summary judgment:

1. Plaintiff Daniel Sistek ("Sistek") is a named Plaintiff in the above captioned lawsuit.
2. Sistek is employed by Comcast of Pennsylvania, Inc.¹ ("Comcast") at its Westmoreland location.

¹ Comcast of Pennsylvania, Inc. is the successor of named Defendant Comcast Cablevision of Westmoreland, Inc.

3. Sisteck is a member of Plaintiff Communication Workers of America, AFL-CIO (“CWA”) and is represented by CWA for the purposes of his employment with Comcast.
4. Sisteck has been employed at all relevant times by Comcast at its Westmoreland location.
5. During the course of discovery, after finding additional documentary evidence, Sisteck discovered that in 2002 he did indeed receive the November 2002 notice referenced in paragraphs eleven, twelve and thirteen and Count One of the Amended Complaint.
6. Plaintiff Jamie Fetterman (“Fetterman”) is a named Plaintiff in the above captioned lawsuit.
7. Fetterman is—and was at the time of filing of the present case—employed by Comcast at its Westmoreland location.
8. Fetterman is a member of CWA and is represented by CWA for the purposes of his employment with Comcast.
9. In November 2002, Fetterman was employed at a Comcast location other than the Westmoreland location, Comcast’s Corliss, Pennsylvania location, and shortly thereafter transferred to the Westmoreland location.
10. Fetterman received the November 2002 notice referenced in paragraphs eleven, twelve and thirteen and Count One of the Amended Complaint in 2002, while employed by Comcast at the Corliss location.
11. In the original Complaint, Plaintiffs Shawn Ciciarelli (“Ciciarelli”), Justin Hilty (“Hilty”), Ted Paskert (“Paskert”), and Kevin Vrudney (“Vrudney”) were included as Plaintiffs in this action.
12. As of November 18, 2002, Ciciarelli, Hilty, Paskert, and Vrudney each had not acquired a sufficient amount of service to become eligible to participate in the AT&T Broadband

Pension Plan (the "Plan" or the "Broadband Pension Plan"). Therefore, Ciciarelli, Hilty, Paskert, and Vrudney never became participants of the Broadband Pension Plan.

13. In the original Complaint, Plaintiffs Michael Bracken and John F. Kelly, Jr. were included as Plaintiffs in this action.
14. On October 11, 2004, Bracken signed a waiver and release of claims when he terminated his employment and received benefits under the AT&T Broadband Change in Control Severance Plan.
15. On July 2, 2004, Kelly signed a waiver and release of claims when he terminated his employment and received benefits under the AT&T Broadband Change in Control Severance Plan.
16. In the Amended Complaint, Ciciarelli, Hilty, Paskert, Vrudney, Bracken, and Kelly were no longer included as Plaintiffs.
17. Plaintiffs John R. Radeshak ("Radeshak") and Robert Dorbritz ("Dorbritz") have indicated to their counsel their desire to withdraw from this action.
18. The parties stipulate to the dismissal of Ciciarelli, Hilty, Paskert, Vrudney, Bracken, Kelly, Radeshak, and Dorbritz from this action.

Respectfully submitted,

/s/ Michael J. Healey
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AND NOW, this 3rd
day of August, 2007.
IT IS SO ORDERED.
D. S. Lee
UNITED STATES DISTRICT JUDGE